BASIC COURSE 1.42

CODE
OF
CONDUCT

ENABLING OBJECTIVES

- IDENTIFY THE STANDARDS OF ETHICAL CONDUCT GOVERNING ALL NAVAL PERSONNEL REQUIRED BY THE DON AS SET FORTH IN SECNAVINST 5370.2H

ENABLING OBJECTIVES

- IDENTIFY THE 6 COMPONENTS OF THE CODE OF CONDUCT FOR PRISONERS OF WAR AS SET FORTH IN SECNAVINST 1000.9 AND DEMONSTRATE AN UNDERSTANDING OF THE ISSUES WHICH ARE RAISED AND WHICH MIGHT CONFRONT THE P.O.W.

ORIGIN OF CODE OF CONDUCT

- 1955 - 1ST SIGNED BY PRESIDENT EISENHOWER
  - PREPARED FOLLOWING CHARGES OF P.O.W.s COLLABORATION WITH ENEMY.
- THE CORRECT DOCUMENT FOR THE CODE IS EXECUTIVE ORDER 12633 OF 28 MARCH 1988.

PURPOSE OF THE CODE OF CONDUCT

- PREPARED TO GIVE STANDARDS OF CONDUCT TO SERVICE MEMBERS WHO MAY BECOME P.O.W.s.

CONTENTS & PROVISIONS

6 PROVISIONS

- AMERICAN
  - prepared to give life
- NEVER TO FREELY SURRENDER
- IF CAPTURED
  - continue to resist and effort to resist

CONTENTS & PROVISIONS

- KEEP FAITH WITH FELLOW P.O.W.s
  - take command if senior or obey if junior
- REQUIRED TO GIVE NAME, RANK, SERVICE NUMBER AND DATE OF BIRTH
- NOT TO FORGET
  - am an American
  - will put trust in God and in the USA

CHAPLAINS ROLE

MINISTRY ROLE TO P.O.W.s & HIS OR HER RIGHTS & OBLIGATIONS AS A SERVICE MEMBER

- NON-COMBATANT STATUS
- GENEVA CONVENTION ARTICLE 33
  - not viewed as a P.O.W., but as “retained personnel” (although not always recognized by enemy)

CHAPLAINS ROLE

- CHAPLAIN IS TO BE ALLOWED TO PROVIDE MINISTRY IN P.O.W. SETTING
- MODIFIED RESPONSIBILITY UNDER CODE
  - not required to attempt escape or to aid others in it
  - not to assume command

U.S. NAVY REGULATIONS CHAPTER 10: #1063

- “While assigned to a combat area during a period of armed conflict, members of Medical, Dental, chaplain, Medical Service, Nurse or Hospital Corps and Dental Technicians shall be detailed or permitted to perform only such duties a are related to medical, dental, or religious service and the administration of medical, dental, or religious units and establishments. THIS RESTRICTION IS NECESSARY TO PROTECT THE NONCOMBATANT STATUS of these personnel under the Geneva Convention of August 12, 1949.”

OPNAVINST 1730.1C 2.f RELIGIOUS MINISTRIES IN THE NAVY

- “Adhere to the noncombatant status of chaplains under reference (e), article 1063, when assigning duties in combat. *It is the Department of the Navy policy that chaplains shall not bear arms*.”

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- FUNCTIONS AND DUTIES OF CHAPLAINS 1h(5)
  - “Report to an assigned position or battle station in combat, at general quarters or similar situations to provide ministry as required.”

GENEVA CONVENTION

- Convention (1) for the amelioration of the condition of the wounded and sick in armed forces in the field
- Chapter I
- Art. 7. Wounded and sick, as well as members of the
- medical personnel and chaplains, may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

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- 333. COMMAND CHAPLAIN
  - (8) “Manning battle stations at General Quarters from which ministry can be provided to the wounded.”

- Art. 47. The High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programs of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular, to the armed fighting forces, the medical personnel and the chaplains.

CHAPTER IV

- Personnel
- Art. 24. Medical personnel exclusively engaged in the search for, or the collection, transport or treatment of the wounded or sick, or in the prevention of disease, staff exclusively engaged in the administration of medical units and establishments, as well as chaplains attached to the armed forces, shall be respected and protected in all circumstances.

CHAPTER IV (Continued)

- Art. 28. Personnel designated in Articles 24 and 26 who fall into the hands of the adverse Party, shall be retained only in so far as the state of health, the spiritual needs and the number of prisoners of war require.

CHAPTER IV (Continued)

- In all questions arising out of their duties, this medical officer, and the chaplains, shall have direct access to the military and medical authorities of the camp who shall grant them the facilities they may require for correspondence relating to these questions.

CHAPTER IV (Continued)

- @Although retained personnel in a camp shall be subject to its internal discipline, they shall not, however, be required to perform any work outside their medical or religious duties.
- During hostilities the parties to the conflict shall make arrangements for relieving where possible retained personnel, and shall settle the procedure of such relief.

CHAPTER IV (Continued)

- None of the preceding provisions shall relieve the Detaining Power of the obligations imposed upon with regard to the medical and spiritual welfare of the prisoners of war.

CHAPTER IV (Continued)

- Personnel thus retained shall not be deemed prisoners of war. Nevertheless they shall at least benefit by all the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949. Within the framework of the military laws and regulations of the Detaining Power shall put at their disposal the means of transport required.

CHAPTER IV (Continued)

- (b) In each camp the senior medical officer of the highest rank shall be responsible to the military authorities of the camp for the professional activity of the retained medical personnel. For this purpose, from the outbreak of hostilities, the Parties to the conflict shall agree regarding the corresponding seniority of the ranks of their medical personnel, including those of the societies designated in Article 26.